

**MINUTES OF LAYTON CITY
COUNCIL SPECIAL MEETING**

JANUARY 12, 2016; 7:34 A.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
BRUCE DAVIS, TOM DAY, SCOTT FREITAG
AND JOY PETRO**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, BILL WRIGHT, TERRY COBURN,
JAMES (WOODY) WOODRUFF, ALLEN
SWANSON, DAVID PRICE, PAUL BAUER, KENT
ANDERSEN, STEVE GARSIDE, KEVIN WARD
AND THIEDA WELLMAN**

LEGISLATORS PRESENT:

**SENATORS JERRY STEVENSON AND STUART
ADAMS, AND REPRESENTATIVES STEVE
HANDY AND BRAD WILSON**

The meeting was held in the Council Conference Room of the Layton City Center.

Mayor Stevenson opened the meeting and welcomed everyone. He thanked the Legislators for being here.

ITEMS FOR DISCUSSION:

ISSUES FROM LEGISLATORS

Gary Crane, City Attorney, said he was aware of a few bills the Legislators were carrying this year, specifically a municipal energy tax bill and a re-write of the RDA Code.

Mayor Stevenson asked how the RDA bill would impact the City.

Gary said mostly in a good way; it would remove the three categories. He said the ULCT and counties were involved in the re-write.

Kent Andersen, Deputy Director of Community and Economic Development, mentioned the blight study portion of the bill. He asked if a blight study would be required as part of a CDA or EDA. Kent said it would be costly and would have a negative impact on a CDA or EDA.

Representative Handy said he wasn't sure if it applied to a CDA or EDA; he would get information about that to Kent.

There was discussion about impacts of a blight study, particularly the negative impact on property values.

Gary mentioned Representative Wilson's building code bill. Currently the International Building Code was the standard and was renewed every 3 years. Gary said he understood that the 2015 International Building Code would be adopted and would be renewed every six years.

Representative Wilson said the 2015 International Code was included in the bill with a couple of changes relative to water heaters and energy, but generally the 2015 International Code would be adopted.

Gary mentioned concerns with the fire portion of the Code relative to sizes of roads.

Representative Wilson said there was a working group looking at the fire section.

Gary said it was important that the appeal process be handled through the local appeal authority.

Kevin Ward, Fire Chief said the working group had come to some good consensus on the appeal process relative to size of roads; they were concerned with access but it was getting worked through.

Senator Adams indicated that industry was always interested in getting their products required as part of Code because it was a financial boon for their industry.

Representative Wilson said that was happening this year; there was a big lobby effort to get specific products required as part of the Code.

Gary indicated that the City was putting forward a bill relative to allowing for an opinion question on the ballot regarding fiber optics. He explained the situation last year where cities involved with UTOPIA were not allowed to ask citizens, through a ballot question, whether or not to move forward with the Macquarie proposal for UTOPIA. Gary said the bill would add an additional item in the Code to allow for an opinion question on the ballot. He said Senator Stevenson would be carrying the bill and they were looking for a Representative to carry the bill in the House

Gary explained the great success UTOPIA was showing in Layton. In areas where UTOPIA was being made available, the take rate was 35%. He said having Google come to Salt Lake City had renewed the interest and importance of fiber.

Mayor Stevenson said the City was still paying \$2,000,000 a year on the UTOPIA bond debt. A vote by the people would allow UTOPIA to test a city for participation. A take rate of 35% would more than pay for the bond debt. Build out would allow for the City to provide free wifi coverage across the City. Mayor Stevenson said changing language in one paragraph of the Code would be very important.

Gary said this bill would be a Layton City initiative. He said Layton led the charge in pulling the private sector into this with the Macquarie deal.

Mayor Stevenson said Google would not come into a city the size of Kaysville. If UTOPIA was successful, other cities would have the opportunity to come online through a vote of their people. This could be a great option for all cities.

Gary said without the support of the people it wouldn't happen. This bill wouldn't change the law but it would allow the option for it to be placed on a ballot for a vote of the people; who could argue against that.

Senator Stevenson said originally Century Link had indicated that they would not put additional fiber in Layton if UTOPIA moved forward. He said this would give the State tremendous opportunity. If the bill moved forward it would give cities the opportunity to allow citizens to decide what they wanted in their community. The network could eventually be sold to Google. Senator Stevenson said a lot of the financial troubles of UTOPIA were caused because they were told that they would get cheap money from the Federal Government, but that didn't happen. This would keep UTOPIA moving forward.

Mayor Stevenson said as the bill moved forward, the City would be willing to help in any way possible to see a positive outcome.

Senator Stevenson said most opposition had gone quiet; he thought it had a very good chance of going through.

Gary said there shouldn't be any opposition; it was simply infrastructure. Anyone could ride the highway including Comcast and Century Link; this type of fiber highway was being used in other areas of the

country. It was simply infrastructure and didn't allow for retail, only wholesale. It would be an open infrastructure with anyone being able to use it. Gary said this was very important to the City.

VIETNAM WALL PROJECT

David Price, Parks and Recreation Director, said the City was working with the Northern Utah Chapter of the Vietnam Veterans of America to bring a replica of the Vietnam Memorial Wall to Layton. He said the wall would be 80% of the size of the original wall in Washington D.C. He said this would be a beautiful monument and veterans were interested in bringing the wall to the City, and the City was interested in doing that. The memorial would be located on the north side of Constitution Circle. The total cost was approximately \$400,000.

David said Mr. Dennis Howland, President of the Northern Utah Chapter, was asking the State to provide \$200,000. He indicated that the requested amount was equal to \$4.43 per Utah Vietnam Veteran, which was the amount of pay per day a Veteran received while on duty during the Vietnam War.

Senator Stevenson said that was about half the amount needed to build the wall. Where was the balance of the money coming from?

David said the Veterans Association was working very hard to raise the money. Several businesses had made donation commitments. They anticipated some funding from Davis County, and the City would be participating. He said they were also selling personalized bricks that would be used at the base of the monument.

Senator Stevenson said this year would be a difficult funding year at the Legislature. He recommended that they ask for what was needed, but not put a wish list together. This was not a large amount of money.

Mayor Stevenson said Mr. Howland had been working with Representative Oda about carrying the request for funding forward. He said this memorial would be a good thing for the entire State.

Senator Adams said this was a worthy project; they would see what they could do for funding. He said if it didn't happen this year, maybe they could get funding next year; they would give it their best shot. Senator Adams said showing that there were matching funds helped.

TRANSPORTATION PROJECTS

Gary said the City appreciated the Legislators' support of transportation projects within the City. The City was well represented on Capitol Hill. Gary said the flyover was a go and construction would start next spring. Improvements were scheduled for Highway 89 in 2020 and 2021.

Mayor Stevenson said relative to the Highway 89 project, the City was working on coordinated projects such as trails.

Alex Jensen, City Manager, said the City was trying to take advantage when other projects were happening in the City by coordinating things such as utilities, bike paths, pedestrian trails, and Park n Ride facilities. He said the City wanted to work hand in glove with UDOT on a holistic approach to improvements by including those improvements in the capital planning process.

Senator Adams said UDOT had some safety funding and was going to put concrete barriers up along Highway 89. He said some communities had a problem with the barriers; UDOT had postponed the barriers until next year. Senator Adams said he thought \$15,000,000 was funded next year, which allowed for the frontage road (Valley View Drive) to Mountain Road. He said improvements to Highway 89 should move right along.

Senator Stevenson praised the City for the work done on Layton Parkway; it was a great addition to the

City.

Councilmember Petro asked if there was a better product for painting lines on the roads. She said particularly when it was raining and at night, it was very difficult to see lines on the road. Councilmember Petro said she received many comments about it.

James “Woody” Woodruff, City Engineer, said there was a tape product, but it was very expensive and would last about 7 years, and it was expensive to replace.

PUBLIC SAFETY

Gary mentioned issues with funding indigent defense. He said in a recent study by the Libertas Institute, they indicated that two states, Pennsylvania and Utah, didn’t have adequate protection for defendants. Individual cities were responsible for hiring their own indigent defense. Currently Layton and most other cities contracted indigent defense for a flat amount per case. The Libertas Institute felt that an hourly rate would provide better defense. Gary said the cost would go up astronomically if this changed. The State would have to find a way to fund this; it would be a big issue.

Gary said relative to land use, the Libertas Institute was proposing a constitutional amendment to add “use” to the protections for property owners. The change would be a big threat to those that develop, those that regulate and those that live next to a particular use. He said it would require a 2/3 vote in the House and Senate, but it would be a huge impact.

Representative Handy said that was only one of a number of things Libertas was proposing. He said he had seen another proposed constitutional amendment where they basically would get the Agriculture Department out of food regulation.

Gary said they were well funded on the land use issue by Airbnb; the company that promotes using homes as vacation rentals. He said they were trying to get rid of the regulation relative to individual rentals. Gary said Utah was the first state they were going after.

Gary said there were a lot of land use bills on the agenda; anything that tried to take zoning away from local control was a concern.

BODY WORN CAMERAS

Gary said yesterday at a League meeting there was a very animated debate between McKay and Thatcher relative to their bills on body worn cameras. He asked where everyone stood on this issue.

Senator Adams said he would like the City’s take on it; generally local control was the best.

Allen Swanson, Police Chief, said the City didn’t have body cameras yet. The City wanted to see what the legislature was going to do and wait for technology to catch up with practical use. He said it would cost the City \$70,000 initially to purchase cameras, which didn’t include storage costs. Allen said Thatcher’s bill made more sense from a law enforcement perspective with allowing P.O.S.T to set minimum standards; McKay’s bill would dictate standards in State Code. Allen said they were also concerned with protecting individual privacy.

Steve Garside, Assistant City Attorney, said it had to be a local control issue. If McKay’s bill went through, cities’ hands would be tied from one legislative session to the next. Steve said some of McKay’s original language indicated that if the equipment was turned on or failed, there would be a presumption that the officer acted inappropriately. He said Senator Thatcher’s bill would allow for a minimum standard but there would be local control to meet or exceed that minimum standard.

Gary said the cost of storage would need to be borne by someone; the cost of storage was a huge factor.

Thieda Wellman, City Recorder, said recorders across the State had big concerns about the cost of storing the record. She mentioned how some cities were being inundated with GRAMA requests for copies of tapes. Thieda indicated that additional staff was needed to manage the records.

Gary said Salt Lake City had three staff that did nothing but manage camera recordings.

Representative Wilson suggested that the City stay in close contact with the legislators as this moved forward.

Mayor Stevenson expressed appreciation for the additional gas tax revenue.

Senator Adams asked what the City anticipated the amount would be.

Alex said the estimate was about \$300,000 for the City on the change to the gas tax. He said this wasn't a lot of money but it would help with maintenance projects. Alex said Prop 1 would be about one million dollars. He said with Council's direction, Staff didn't want to sweep that into regular maintenance, which could easily be done. Alex said Staff was putting a list together of smaller individual type projects that were needed but that never rose to the level of being able to compete with a big need. He said those would be presented to the Council for approval. Alex said the City wanted to be able to show some tangible difference, not just day to day maintenance. He said these could include projects in neighborhoods such as widening, installation of sidewalks, etc. This would allow the City to show residents how the additional money was being spent.

Senator Adams said there was a fear that the additional funding would just be swept into regular budgets. He said documenting the improvements would be good.

Gary said the City appreciated everything the Representatives and Senators did for the City.

RETIREMENT

Gary mentioned issues with retirement relative to public safety; the two tiered funding was not working. He said cities were losing police officers because of retirement under Tier II. Gary said there needed to be some changes.

Councilmember Freitag mentioned public safety dispatchers; the State's retirement was funded at 25 years and cities were at 35 years. When someone was looking for a job, it was hard to compete with the State.

The meeting adjourned at 8:42 p.m.

Thieda Wellman, City Recorder